

**STATEMENT OF  
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THE AMERICAN LEGION  
BEFORE THE  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
COMMITTEE ON VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES  
ON  
PENDING LEGISLATION**

**JUNE 2, 2015**

Chairman Wenstrup, Ranking Member Takano, and distinguished members of the subcommittee, on behalf of our National Commander, Michael Helm, and the 2.3 million members of The American Legion, America's largest wartime veteran's service organization, thank you for this opportunity to testify regarding our position on pending legislation before this subcommittee.

**H.R. 356: Wounded Warrior Employment Improvement Act**

*To direct the Secretary of Veterans Affairs to develop and publish an action plan for improving the vocational rehabilitation services and assistance provided by the Department of Veterans Affairs.*

Through the years the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment Program (VR&E) has assisted thousands of disabled veterans in obtaining their college education and improving their employment potential. However, in order for the VR&E Program to better serve veterans and become more efficient in assisting disabled veterans in obtaining gainful employment, there need to be specific changes to the program. The American Legion believes H.R. 356 will provide necessary improvements to the VR&E Program that will allow disabled veterans to receive more intensive counseling and better results with employment placement. Please note that the success of the rehabilitation of this nation's disabled veterans is determined by the coordinated efforts of every federal agency (Departments of Defense, Housing and Urban Development, Labor, Office of Personnel Management, and VA) involved in the seamless transition from the battlefield to the civilian workplace. This is a team effort.

The success of the VR&E Program will be measured by these veterans' ability to obtain meaningful employment and achieve a high quality of life. To meet America's obligation to these service-connected veterans, VA leadership must continue to focus on marked improvements in case management, vocational counseling, and most importantly, job placement. The American Legion strongly supports VR&E Programs and is committed to working with VA and other federal agencies to ensure America's wounded veterans are provided with the highest level of service and employment assistance.<sup>1</sup>

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<sup>1</sup> Resolution No. 326: *Support Legislation that would Change the 12-year Delimiting Date for Eligibility to Chapter 31 Benefits (VA's Vocational Rehabilitation and Employment Program)* – AUG 2014

## **The American Legion supports this legislation**

### **H.R. 382**

*Designates the facility of the United States Postal Service located at 8585 Criterion Drive in Colorado Springs, Colorado, as the "Chaplain (Capt.) Dale Goetz Memorial Post Office Building."*

## **The American Legion has no position on this legislation**

### **H.R. 832: Veterans Employment and Training Service Longitudinal Study Act of 2015**

*To amend title 38, United States Code, to direct the Secretary of Labor to enter into a contract for the conduct of a longitudinal study of the job counseling, training, and placement services for veterans provided by the Secretary, and for other purposes.*

The American Legion would support a longitudinal study of the job counseling, training, and employment placement services (JVSG) services only if the bill were altered to direct the Secretary of Veterans Affairs to contract for this study as opposed to the Secretary of Labor. The American Legion wants to be clear in our message that the best way to improve DOL-VETS is to transfer the JVSG and HVRP portions of the program to VA, as noted below in our statement on H.R. 2275: *Jobs for Veterans Act of 2015*. Back in 2012, a similar proposal was made to study the DOL employment services further. At the time, Chairman Miller had said more study was not needed, stating, "We have had study after study over the years that say the program does not work."<sup>2</sup> The American Legion agrees with the Chairman's assessment. A longitudinal assessment of DOL-VETS performance can already be read in the 16 GAO and OIG reports dating back to 1997. All reports revealed negative findings. Therefore, such a detailed study would be better implemented after JVSG and HVRP are moved to VA and set under the purview of the Secretary of Veteran Affairs.<sup>3</sup>

## **The American Legion cannot support the legislation as written, but could with the revision suggested**

### **H.R. 1994: VA Accountability Act of 2015**

*To amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.*

This bill would provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes. The American Legion urges Congress to enact legislation that provides the Secretary of Veterans Affairs (VA) the

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<sup>2</sup> <<http://archive.armytimes.com/article/20120427/NEWS/204270309/Lawmakers-Take-vets-programs-from-Labor-Dept->>. Accessed May 28, 2015.

<sup>3</sup> Resolution No. 13: *Expanding Veterans Employment and Homeless Services within the Department of Veterans Affairs* – OCT 2014

authority to remove any individual from the Senior Executive Service (SES) if the Secretary determines the performance of the individual warrants such removal, or transfer the offending individual to a General Schedule position without any increased monetary benefit.<sup>4</sup>

Prior to the passage of the H.R. 3230: *Veterans Access, Choice, and Accountability Act*, The American Legion also supported H.R. 4031: *Department of Veterans Affairs Management Accountability Act of 2014*. The American Legion supported the *Veterans Access, Choice, and Accountability Act of 2014* due to the systematic failures in the VA including, but not limited to, preventable deaths, delays in providing timely and quality health care, and VA's failure to adjudicate claims in a timely manner. H.R. 4031 provided for the removal of SES employees of the Department of Veterans Affairs for performance.<sup>5</sup>

The American Legion is gravely concerned with the lack of accountability within VA. H.R. 1994 is a step to further provide the tools to the Secretary of Veterans Affairs to better manage employees, and hold them accountable when they fail to perform their duties in a manner that is befitting of a public servant; especially when veterans entrust their care to VA.

### **The American Legion supports this legislation**

#### **H.R. 2133**

*To amend title 10, United States Code, to provide additional training opportunities under the Transition Assistance Program to members of the Armed Forces who are being separated from active duty.*

The American Legion has long advocated for the Transition Assistance Program (TAP) to be made mandatory for all transitioning service members and to include those in National Guard and Reserve components. The American Legion has always believed that the capstone courses developed as part of the TAP revamp mandated by the Veterans Opportunity to Work Act should be made mandatory. This bill allows for these courses to be taken by service members on an elective basis and does not restrict the number of time or classes that can be taken.<sup>6</sup>

### **The American Legion supports this legislation**

#### **H.R. 2275: Jobs for Veterans Act of 2015**

*To amend title 38, United States Code, to establish in the Department of Veterans Affairs the Veterans Economic Opportunity and Transition Administration and to improve employment services for veterans by consolidating various programs in the Department of Veterans Affairs, and for other purposes.*

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<sup>4</sup> Resolution No. 30: *Department of Veterans Affairs Accountability* – MAY 2015

<sup>5</sup> <http://www.legion.org/legislative/testimony/220553/pending-legislation>

<sup>6</sup> Resolution No. 345: *Transition Assistance Program Employment Workshops for National Guard and Reserve Members* – AUG 2014

The American Legion has long supported the Department of Labor Veterans Employment and Training Service (DOL-VETS). Unfortunately, the good faith of veterans in this program has been rewarded with ongoing program management problems including a lack of accountability and an agency truculent to sensible policy changes. DOL's budget request makes it painfully clear that the agency with the monumental task of helping Americans to be gainfully employed is unable to give the requisite attention to veterans' employment issues that our constituents deserve.

At this juncture, The American Legion believes that the best way to improve DOL-VETS is to transfer the Jobs for Veterans State Grants (JVSG) and the Homeless Veterans Reintegration Portions (HVRP) of the program to VA. Though there is a place for a veterans office within DOL, The American Legion believes these two programs would be better served if they were located in a new administration consolidated under VA.<sup>7</sup>

### **The American Legion supports this legislation**

#### **H.R. 2344**

*To amend title 38, United States Code, to make certain improvements in the vocational rehabilitation programs of the Department of Veterans Affairs.*

Since the 1940's, VA has provided vocational rehabilitation assistance to veterans with disabilities incurred during military service. The Veterans Rehabilitation and Education Amendments of 1980, Public Law (PL) 96-466, changed the emphasis of services from training, aimed at improving the employability of disabled veterans, to helping veterans obtain and maintain suitable employment and achieve maximum independence in daily living. In that same spirit/intent, The American Legion believes H.R. 2344 would provide essential improvements to the VR&E program such as strengthening the ability for the Secretary to approve education/training courses that are helpful for disabled veterans, along with prioritizing veterans based upon need; having VR&E counselors focusing more on employment services than home adaptations issues; and streamlining payment methods through new information technology. If H.R. 2344 is enacted, these changes would ultimately help achieve the goal for those completing the program: gainful employment.

Recent reports show that Post-9/11 veterans still have a higher unemployment rate than their non-veteran peers. As a nation at war, there continues to be an increasing need for VR&E services to assist returning veterans in reintegrating into independent living, achieving the highest possible quality of life, and securing meaningful employment. The American Legion strongly supports VR&E programs and is committed to collaborate with VA and other federal agencies to ensure that all veterans are able to reintegrate into their communities and remain valued, contributing members of society.<sup>8</sup>

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<sup>7</sup> Resolution No. 13: *Expanding Veterans Employment and Homeless Services within the Department of Veterans Affairs* – OCT 2014

<sup>8</sup> Resolution No. 326: *Support Legislation that would Change the 12-year Delimiting Date for Eligibility to Chapter 31 Benefits (VA's Vocational Rehabilitation and Employment Program)* – AUG 2014

**The American Legion supports this legislation.**

**H.R. 2360**

*To amend title 38, United States Code, to improve the approval of certain programs of education for purposes of educational assistance provided by the Department of Veterans Affairs.*

It is important to keep in mind that there are different types of accreditation, including institutional accreditation and program accreditation. Institutional accreditation is typically done by regional and national accreditation bodies. Programmatic accreditation is for specific programs offered within an educational institution. Programs are typically accredited by specialty organizations. The examples provided in H.R. 2360, the American Psychological Association and the American Bar Association are the programmatic accreditation bodies, respectively.

It is common for licensing and certification agencies to require institutional accreditation and/or program accreditation. In Virginia, for example, to be licensed as a clinical psychologist:

*The applicant shall hold a doctorate from a professional psychology program in a regionally accredited university, which was accredited by the APA within four years after the applicant graduated from the program, or shall meet the requirements of subsection B of this section.<sup>9</sup>*

This does not make effective use of GI Bill benefits if an individual uses the benefit to prepare for a licensed or certification occupation, but the program does not meet licensure requirements. This would include the requirement that a program be accredited by a programmatic accrediting agency.

The American Legion urges the requirement apply equally to institutions of higher education, as well as non-accredited schools. This always means the Congress should not exclude deemed approved degree programs, and ensure that State Approving Agencies (SAAs) can have adequate oversight of all institutions of higher learning.

The American Legion also believes if this task should fall as a responsibility of the SAA, the proposed legislation should incorporate how the Department of Defense determines program approval for usage of Tuition Assistance (TA). Questions remain as to if the legislation would only cover meeting the licensure or certification standards in the respective state where the institution is located. If that is the case, it is troubling for those veterans who do not plan to practice in the state where the school is located or individuals taking distance learning courses. The legislation should make clearer who will determine the requirements for these programs in all states.

If the intent of the Congress is to add to the existing workload of the SAAs, which are already spread thin, then Congress should give great consideration and revaluation of the existing budget of the SAAs, to include increasing such budgets to ensure the SAA's are able to take on their

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<sup>9</sup> <http://law.lis.virginia.gov/admincode/title18/agency125/chapter20/section54/>

current workload, as well as the possibility of this new add-on. The American Legion believes there is validity in the underlying reason for the proposed legislation and supports HR 2360. However, we also believe there are a few items that need to be fleshed out.<sup>10</sup>

**The American Legion supports this legislation, with some revisions.**

**H.R. 2361: Work Study for Student Veterans Act of 2015**

*To amend title 38, United States Code, to extend the authority to provide work-study allowance for certain activities by individuals receiving educational assistance by the Secretary of Veterans Affairs.*

This bill would extend the Department of Veteran Affairs authority to offer certain work-study allowances for student-veterans due to expire mid-year. The American Legion has long supported the VA work study program and supports this initiative to maintain as many of these work-study opportunities as possible.

This program provides a valuable benefit to student-veterans and that benefit is often multiplied many times over when, for example, veterans are allowed to perform outreach services to service members and veterans furnished under the supervision of a State approving agency employee. This is just one instance of the important work that is accomplished by these student-veterans. Extending the deadline to 2020 would be an important message to our student-veterans, along with continuing to provide a valuable benefit to this important, and motivated, group of Americans.<sup>11</sup>

**The American Legion supports this legislation**

**Draft Bill**

*To amend title 38, United States Code, to make certain modification and improvements in the transfer of unused educational assistance benefits under the Post 9/11 Educational Assistance Program of the Department of Veterans Affairs, and for other purposes.*

The American Legion sees the Post 9/11 GI Bill primarily as a transition tool, but is cognizant of its use as a retention tool. It is well known that the ten year mark is an important decision point in a military career, the halfway mark so to speak. Too many members are exiting service at this point and if transferability would be more advantageous as a retention tool at the ten year mark rather than the six year mark, we see the reason in that. The American Legion supports extending the time commitment required to obtain the transferability benefit.

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<sup>10</sup> Resolution No. 312: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Learning* – AUG 2014

<sup>11</sup> Resolution No. 312: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Learning* – AUG 2014

The American Legion also supports the idea of decreasing monthly stipend allowance to children who use transferred education benefits. However, decreasing the monthly stipend benefit to spouses can create unintended consequences. This denial of benefit can grossly have a negative impact on spouse caregivers who have sacrificed greatly to care for their loved one in uniform.

Military spouses face the challenges of health, employment difficulties, depression, deteriorating family relationships, and financial challenges. They are often unprepared for new responsibilities that few Americans can relate to. These spouses, who may have been unemployed or underemployed previously, may one day be required to become the primary source of income for the family. By decreasing the monthly stipend to spouses, the Congress runs a serious risk of creating an unintentional consequence that will harm those spouses who have already sacrificed so much.

Lastly, The American Legion recommends grandfathering all those individuals that have been awarded the benefit prior to the enactment of this proposed legislation.<sup>12</sup>

### **The American Legion supports the draft legislation, with some reservations**

#### **Conclusion**

As always, The American Legion thanks this subcommittee for the opportunity to explain the position of the 2.3 million veteran members of America's largest wartime veteran's service organization.

For additional information regarding this testimony, please contact Mr. Larry Provost at The American Legion's Legislative Division at (202) 861-2700 or [lprovost@legion.org](mailto:lprovost@legion.org).

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<sup>12</sup> Resolution No. 312: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Learning* – AUG 2014